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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

JUL 26 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of:

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations.  
(Cherokee, Alabama)

MB Docket No. 02 - \_\_\_\_\_  
RM - \_\_\_\_\_

To: Assistant Chief, Audio Division  
Media Bureau

## PETITION FOR RULEMAKING

Cherokee Broadcasting Company (“Petitioner”), by its attorney, hereby requests that the Commission institute a rulemaking proceeding to allot new FM Channel 261C3 at Cherokee, Alabama, as that community’s first local commercial FM service. Petitioner proposes to amend Section 73.202(b) of the Commission’s Rules, FM Table of Allotments, as follows:

City	Channel Number	
	Present	Proposed
Cherokee, Alabama	--	261C3

No reassignment of any existing allotments is requested.

1. If the requested allotment is made, then Petitioner will cause to be filed an application for a construction permit for a new FM radio broadcast station on Channel 261C3 at Cherokee, Alabama. If the Commission grants that construction permit, then Petitioner will cause to be constructed a new FM station on Channel 261C3 to serve Cherokee.

2. As demonstrated in the attached engineering statement of Kirk Tollett, the allotment of Channel 261C3 at Cherokee, Alabama, can be accomplished in compliance with all

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minimum distance separation requirements from the assumed transmitter site.<sup>1</sup> As shown in Mr. Tollett's engineering statement, the requisite 3.16 mV/m signal strength contour will cover the entire community of Cherokee from the assumed site.

3. Cherokee is an incorporated community and had a 2000 U.S. Census population of 1,237 persons. Cherokee is located in Colbert County. The allotment of Channel 261C3 will provide Cherokee with its first local commercial FM service. Therefore, the public interest will be served by the allotment of Channel 261C3 at Cherokee, Alabama.

WHEREFORE, for the foregoing reasons, Petitioner requests that the Commission grant this petition, adopt and release a Notice of Proposed Rule Making to amend Section 73.202(b) of the Rules proposing to allot Channel 261C3 at Cherokee, Alabama.

Respectfully Submitted  
**CHEROKEE BROADCASTING  
COMPANY**

By: Harold K. McCombs  
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Its Attorney

July 26, 2002

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<sup>1</sup> As noted in Mr. Tollett's engineering statement, this proposal assumes favorable action by the Commission with respect to other FM radio allotments and assignments. To the extent necessary, Petitioner requests waiver of any rule, policy or practice that might either preclude, limit or restrict the filing of this petition or the receipt of this petition. The public interest is served by facilitating, advancing and expediting a request for a new first local FM radio service and, thereby, the inauguration of that new radio service.

# **TECHNICAL STATEMENT**

**Cherokee Broadcasting Company**

**Cherokee, Alabama**

**July, 2002**

**ORIGINAL**

## **INTRODUCTION**

This technical statement has been prepared on behalf of Cherokee Broadcasting Company, in support of a Petition for Rule Making, requesting a change in the FM Table of Assignments, Paragraph 73.202(b) of the FCC Rules as follows:

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Location	Present	Proposed
Cherokee, Alabama	None	261C3

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As can be gleaned from the attached exhibits, Channel 261C3 can be added to the Federal Communications Commission Table of Assignments without the necessity of any other changes and without the creation of any new preclusion area.

## **DISCUSSION**

Figure 1, is a computer generated allocation study using the Commission's specified method of distance computations, demonstrating the assignability of FM Channel 261C3 to Cherokee, Alabama. The information contained in Figure 1, was utilized in preparation of the pertinent arcs contained in Figure 2.

Figure 2 is a full scale reproduction of a portion of a computer generated 1:1,000,000 scale map upon which has been superimposed a cross mark which represents the coordinates utilized in the preparation of this Report.. The geographic coordinates selected for this study were:

N 34° 45' 30"

W 88° 02' 12"

Figure 2, details the area of Cherokee and the pertinent arcs from all co-channel as well as adjacent channel facilities, allocated, assigned or operational within 200 kilometers of the proposed allocation. For purposes of demonstrating clearance, the license site of WLAY-FM has been ignored because of it's pending city of license change from Tuscumbia to Meridianville, Alabama. The Commission has just cut off comments in MB Docket 01-114/RM-10426 in which no comments or counter proposals were filed. This petition fully protects the WLAY-FM allocation reference site at Meridianville. Based on the allocation study and map attached, it is believed that there is ample clearance to locate a tower site that would place the required unobstructed city grade signal, (70 dBu), over the entire Community of Cherokee, Alabama.

Figure 3 demonstrates the possible city grade signal of the proposed facility utilizing a hypothetical tower, with a center of radiation 100 meters above average terrain and an effective radiated power of twenty five kilowatts from the reference coordinates used in this petition. As can be gleaned from Figure 3, the proposed 70 dBu city grade signal of Channel 261C3 would encompass

100% of the corporate boundaries of the community of Cherokee, Alabama and a total population of 19,878 persons.

### **CONCLUSION**

Based on this information, and the figures that are included in this Report, we believe that the proposed assignment would be in full compliance with the Federal Communications Commission's Rules, and that Channel 261C3 could be assigned to Cherokee, Alabama as that community's first local broadcast service.

Therefore, Cherokee Broadcasting Company, respectfully requests amendment of the Commission's Table of Assignments, Section 73.202(b), and will promptly apply for a construction permit, should the Federal Communications Commission make the requested assignment.

Respectfully,

A handwritten signature in black ink, appearing to read "Kirk A. Tollett", written over a horizontal line.

Kirk A. Tollett

Consultant to Cherokee Broadcasting Company

July 25, 2002

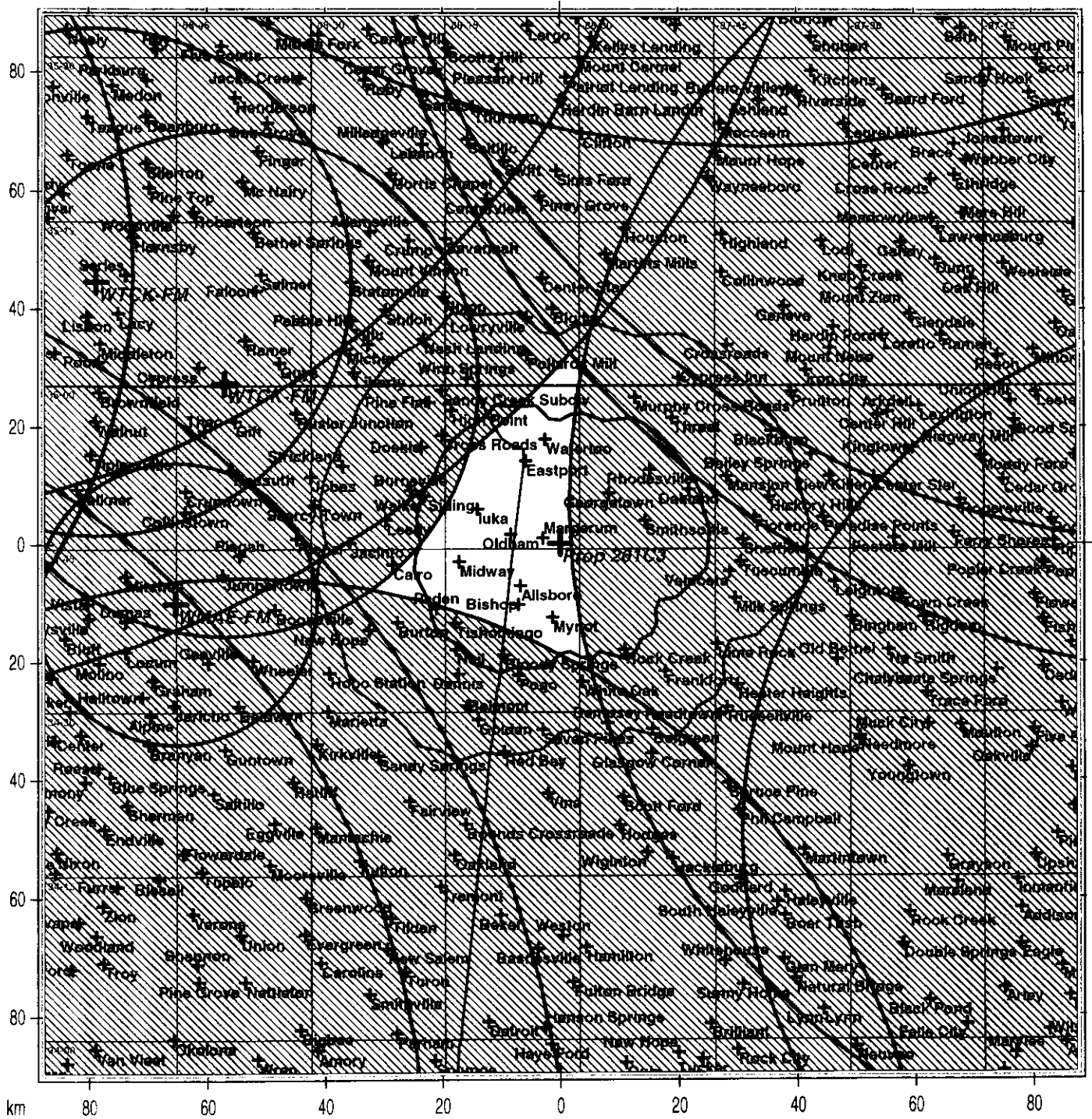
# Figure 1

Search of channel 261 (100.1 MHz Class C3)  
at 34-45-30.0 N, 88-02-12.0 W.

CALL	CITY	ST	CHN	CL	DIST	S	BRNG	CLEARANCE
WLAY-FM*	TUSCUMBIA	AL	262	C1	30.97	144	107.8	-113.03
WLAY-FM	TUSCUMBIA	AL	262	C1	32.10	144	90.2	-111.90
WLAY-FM	TUSCUMBIA	AL	262	C1	32.10	144	90.2	-111.90
	TUSCUMBIA	AL	262	C1	32.10	144	90.2	-111.90
	MERIDIANVILLE	AL	262	C2	119.07	117	86.4	2.07
WSMS	ARTESIA	MS	260	C2	130.55	117	204.1	13.55
WASL	DYERSBURG	TN	261	C2	191.71	177	318.6	14.71
WSMS	ARTESIA	MS	260	C2	133.82	117	203.8	16.82
WTCK-FM	MIDDLETON	TN	264	C3	63.22	43	295.8	20.22
WASL	DYERSBURG	TN	261	C2	198.73	177	319.1	21.73
WRLT	FRANKLIN	TN	261	C3	176.52	153	42.5	23.52
WRLT	FRANKLIN	TN	261	C3	176.52	153	42.5	23.52
WQXB	GRENADA	MS	261	C2	211.01	177	236.2	34.01
WRLT	FRANKLIN	TN	261	A	178.09	142	36.8	36.09
WRLT	FRANKLIN	TN	261	A	178.09	142	36.8	36.09
921113MA	EVA	AL	260	A	127.17	89	111.5	38.17
WQXB	GRENADA	MS	261	C2	217.01	177	238.4	40.01
970109MA	MIDDLETON	TN	264	C3	83.56	43	298.2	40.56
WRJL-FM	EVA	AL	260	A	129.63	89	112.2	40.63
WMAE-FM	BOONEVILLE	MS	208	C1	66.26	24	261.3	42.26
WTCK-FM	MIDDLETON	TN	264	C3	90.35	43	299.8	47.35
WASL	DYERSBURG	TN	261	A	190.99	142	320.2	48.99
WQXB	GRENADA	MS	261	A	197.29	142	236.9	55.29
WVVR	HOPKINSVILLE	KY	262	C	245.34	176	7.6	69.34
WVVR	HOPKINSVILLE	KY	262	C	245.34	176	7.6	69.34
WMC-FM	MEMPHIS	TN	259	C	174.95	96	285.7	78.95
WMC-FM	MEMPHIS	TN	259	C	175.00	96	285.7	79.00
WMC-FM	MEMPHIS	TN	259	C	175.01	96	285.7	79.01

\*To Meridianville, AL per MB Docket No. 02-114/RM-10426

Proposed Channel 261C3



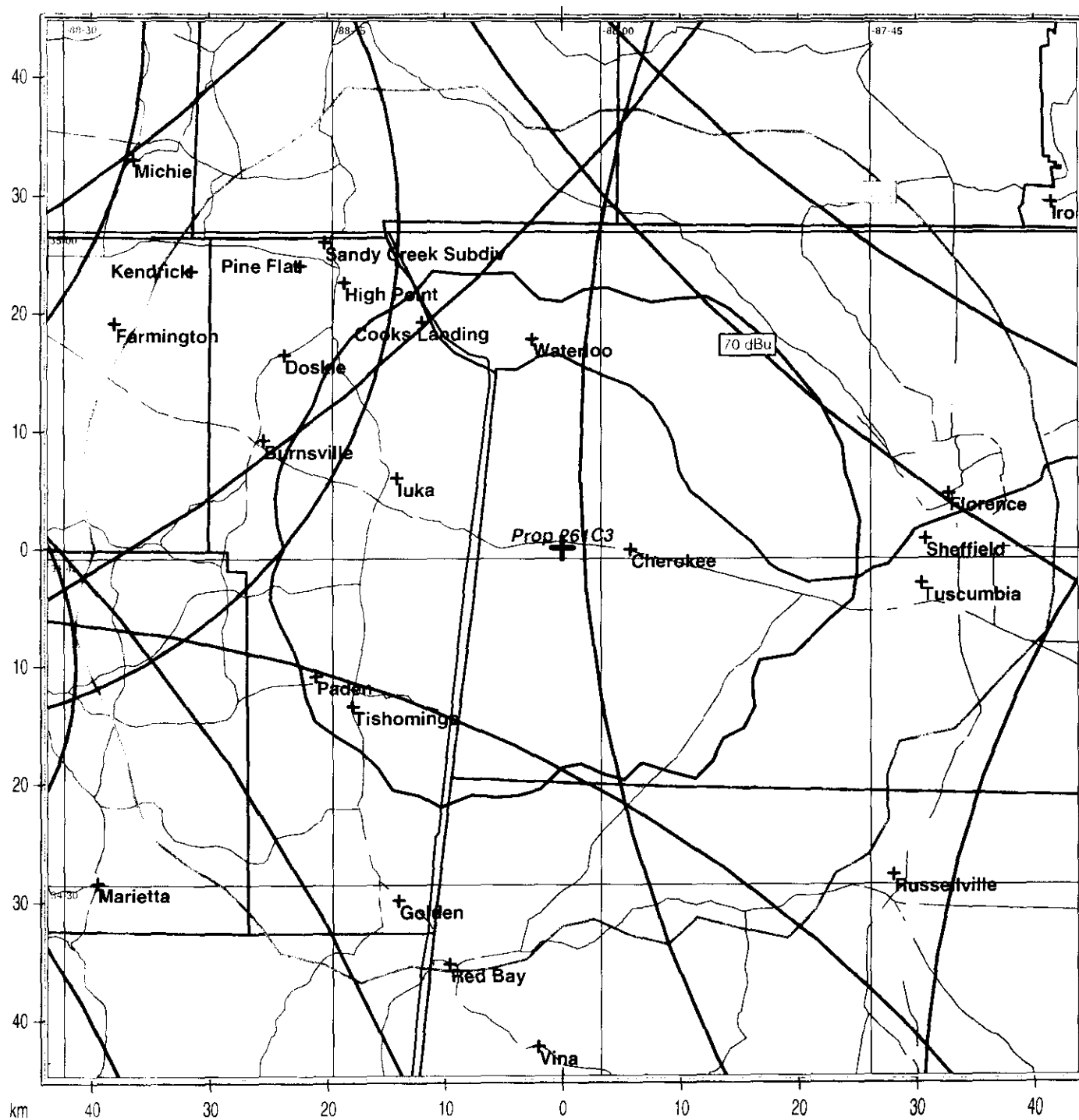
Cherokee, Alabama

State Borders Lat/Lon Grid

Map Scale: 1:1000000 1 CM = 10.00 KM V/H Size: 179.01 x 174.79 KM

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Proposed Channel 261C3 25.0 kW@100 Meters HAAT



Cherokee, Alabama

County Borders   State Borders   City Borders   Highways   Lat/Lon Grid

Map Scale: 1:500000 1 cm = 5.00 km V/H Size: 89.51 x 87.39 km

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## CERTIFICATION

Kirk A. Tollett hereby certifies that;

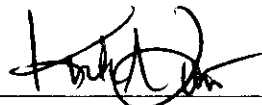
He is owner of Commsouth Media, Inc., a broadcast consulting firm based in South Daytona, Florida;

His qualifications in broadcast matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions over the past;

That he has been retained by Cherokee Broadcasting Company, for the purpose of developing technical exhibits and analyses for the instant filing;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

Signed and dated this 25th day of July, 2002.



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